IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 7115 of 1998

to

FIRST APPEALNo 7121 of 1998

Hon'ble MR.JUSTICE Y.B.BHATT

and

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

AHER MEPA BAVA

Appearance:

MR ND GOHIL, AGP, for Appellants

MR DIVYESH SEJPAL for Respondent

CORAM : MR.JUSTICE Y.B.BHATT

and

MR.JUSTICE M.C.PATEL

Date of decision: 22/11/2000

ORAL JUDGEMENT

(Per : MR.JUSTICE Y.B.BHATT)

1. On a joint request of learned counsel appearing for the respective parties these appeals are taken up for final hearing.

2. These are appeals under section 54 of the Land Acquisition Act read with section 96, CPC, at the instance of the State of Gujarat, challenging the common judgement and awards passed by the Reference Court under section 18 of the said Act.

3. As a result of the hearing and discussion we find that the controversy as regards the determination of the market value of the acquired lands is completely covered by the judgement and order of an earlier Bench (Coram: M.R. Calla & R.P. Dholakia JJ) in First Appeal No.6712 (and the group), decided on 11th May 1999. It is stated by the learned counsel for the respondent that the lands under acquisition in the instant case are situated in the village Satapar, as against which the aforesaid judgement deals with the lands situated in the village Vadvala. However, as stated by the learned counsel for the respondent, these two villages are adjoining each other and share a common boundary. Therefore, there would not be any significant difference in the fertility, the agricultural yield, etc, and therefore the market value of the lands on account of this factor. Furthermore, the acquisition in the instant case as also the acquisition dealt with by the aforesaid decision are for the very same purpose, and the date of section 4 notification is also the same in both cases. In the premises aforesaid, learned counsel for the appellant is unable to draw any distinction or to point out any reason as to why the aforesaid decision should not apply to the present group of appeals.

4. It may also be noted that in the aforesaid decision the earlier Bench dismissed the appeals filed by the State and confirmed the market value as determined by the Reference Court under section 18 at Rs.187.50 per Are for irrigated lands and Rs.125 per Are for non-irrigated lands (although the valuation is expressed in terms of rupees per Vigha). This is also the precise determination of market value by the Reference Court in the instant group of appeals.

5. In the premises aforesaid, we see no justifiable reason for departing from the earlier decision referred to hereinabove. Consequently we find that there is no substance in these appeals and the same are accordingly dismissed with no order as to costs.

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